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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/580,954

05/30/2006

Steffen Fries

1454.1714

8341

21171 7590 12/19/2008
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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/580,954 | FRIES, STEFFEN | |
| | Examiner | Art Unit | |
| | JEFFERY WILLIAMS | 2437 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>123107 080206 053006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 11 – 21 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, these claims appear to comprise recitations solely to an intended use of a security module and do not comprise limitations further defining a security module as claimed.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by DiSanto et al. (DiSanto), U.S. Patent Publication 2003/0009659.

1 Regarding claim 1, DiSanto discloses:

2 *a protocol processing unit processing messages of the key exchange protocol as*
3 *well as data packets transported using the encrypted transport protocol, converting*
4 *voice signals, created by the one of the first and second telecommunication terminals at*
5 *which said security module is connected, into data packets for transport via the*
6 *encrypted transport protocol and converting data packets, arriving at said security*
7 *module after transport via the encrypted transport protocol, into voice signals (DiSanto,*
8 *fig. 2b:210,220; par. 31, 42, 43 – Herein DiSanto discloses means for processing key*
9 *exchange and encrypted data transport procedures [i.e. "protocols"] for the purpose of*
10 *encrypting and decrypting voice and data communications between telecommunication*
11 *terminals);*

12 *a modem connection unit, used when said security module is connected in a*
13 *connecting line at a second telecommunication terminal, setting up a modem*
14 *connection between the second telecommunication terminal and at least one of the*
15 *gateway and another second telecommunication terminal, with the data packets being*
16 *transported using the encrypted transport protocol, along with messages of the key*
17 *exchange protocol, via the modem connection (DiSanto, fig. 2b:240; fig. 4; par. 33).*
18

19 Regarding claim 2, DiSanto discloses:

20 *wherein a point-to-point protocol connection is used over the modem connection*
21 *in transporting the data packets using the encrypted transport protocol, as well as*
22 *messages of the key exchange protocol (DiSanto, par. 41, 42 – herein DiSanto*

discloses a procedure for establishing a direct connection between two nodes [i.e. “point-to-point protocol connection”].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiSanto in view of Blom et al. (Blom), “Conversational IP Multimedia Security”.

Regarding claim 13, DiSanto discloses a security module designed to provide encrypted transport to data between terminals within a network. DiSanto, however, does not appear to explicitly recite *wherein the encrypted transport protocol is Secure Real Time Transport Protocol*.

Blom discloses that applications for securely transmitting voice data through networks, such as disclosed by DiSanto, should employ SRTP (Blom, Abstract). It would have been obvious to one of ordinary skill in the art to employ the teachings of Blom within DiSanto. This would have been obvious because one of ordinary skill in the art would have been motivated by the teachings that such security protocols and

1 methods were designed specifically so as to improve the secure transport of voice and
2 data between communication terminals (Blom, Abstract; section 3).

3
4 Regarding claim 14, the combination enables:
5 *wherein the key exchange protocol is multimedia Internet keying* (Blom,
6 Abstract).

7
8 Regarding claim 15, the combination enables:
9 *wherein for a telephone conversation, messages of the key exchange protocol*
10 *are transported via a session initiation protocol, and wherein said protocol processing*
11 *unit processes the session initiation protocol* (Blom, section 2; section 5).

12
13 Regarding claims 16 and 17, the combination discloses that any conventional
14 communications system may be employed (DiSanto, par. 19). While the combination
15 does not appear to explicitly recite an ISDN communications system or the utilization of
16 the B channel of the ISDN system, the examiner notes that the employment of ISDN
17 and the B channel of ISDN were well known and implemented concepts to those of
18 ordinary skill in the art. One of ordinary skill in the art would have been motivated to
19 recognize ISDN and the utilization of communications over the B channel because such
20 system was conventional and its benefits were well recognized.

21
22 Regarding claims 18 and 19, the combination enables:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Williams
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/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437